

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KHALIF ALSTON,
Petitioner,

CIVIL ACTION

v.

SUPERINTENDENT ROBERT
GILMORE,
THE DISTRICT OF ATTORNEY OF THE
COUNTY OF PHILADELPHIA, and
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.

NO. 14-6439

ORDER

AND NOW, this 29th day of December, 2016, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Khalif Alston, the record in this case, the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 16, 2016, and *pro se* petitioner's Written Objections in Response [sic] to Report and Recommendation Filed by Henry S. Perkin, M.J., **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 16, 2016, is **APPROVED** and **ADOPTED**;
2. *Pro se* petitioner's Written Objections in Response [sic] to Report and Recommendation Filed by Henry S. Perkin, M.J., which repeats the arguments made in support of his Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus and fails to address errors in the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 16, 2016, are **OVERRULED** for the reasons stated in the Report and Recommendation which this Court has approved and adopted;

3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by *pro se* petitioner, Khalif Alston is **DENIED WITH PREJUDICE**;

4. *Pro se* petitioner's request for an evidentiary hearing is **DENIED** on the ground that all of the evidence relevant to a ruling on the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus is a matter of record;

5. A certificate of appealability will not issue because reasonable jurists would not debate (a) this Court's decision that the petition does not state a valid claim of the denial of a constitutional right, and (b) the propriety of this Court's procedural ruling with respect to petitioner's claim. See 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** the case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.